

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED - GR
November 27, 2007 4:24 PM
RONALD C. WESTON, SR., CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: EC /

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SENNECCA McELWEE,

Defendant.

No.

1:07-cr-273

Hon.

Robert Holmes Bell
Chief U.S. District Judge

INDICTMENT

The Grand Jury charges:

COUNT 1

(Making Materially False Statements)

On or about July 11, 2007, in Kent County, in the Southern Division of the Western
District of Michigan,

SENNECCA McELWEE,

in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly and willfully made materially false and fictitious statements, in that he told FBI Violent Crime-Fugitive Task Force Officer Harrell Smith and Grand Rapids Police Department Detective Patrick Needham that he had no knowledge of a pistol and marijuana found in a red Chrysler PT Cruiser he was driving earlier on that date, and which was the subject of a traffic stop and search by the Grand Rapids Police Department, when, in fact, he knew that a pistol and marijuana were in the vehicle at the time the traffic stop was initiated.

18 U.S.C. § 1001(a)(2)

COUNT 2
(Perjury)

On or about November 14, 2007, in Kent County, in the Southern Division of the Western District of Michigan,

SENNECCA McELWEE,

while under oath and testifying in a jury trial in the United States District Court for the Western District of Michigan, did knowingly make false material declarations, in that:

1. At the time and place aforesaid, the District Court was conducting a jury trial in the matter of *United States v. Thomas A. Davis*, No. 1:07-CR-191, in which defendant Thomas A. Davis was charged with being a felon in possession of a firearm, a .380 caliber Bersa, Model Thunder 380, semiautomatic pistol that was found during a traffic stop and subsequent search of a red Chrysler PT Cruiser SENNECCA McELWEE was driving on or about July 11, 2007. It was material to the issues in said trial whether defendant Thomas A. Davis possessed the pistol at the time of the traffic stop.

2. At the time and place alleged, SENNECCA McELWEE, appearing as a witness under oath for the defense in the aforementioned trial, knowingly made the following declarations in response to questions with respect to the matter alleged, specifically relating to whether the passengers in the back seat of the PT Cruiser were passing the pistol back and forth at the time of the traffic stop, as follows:

A. "And we get on Madison and 28th, we're at the stoplight, and it's just a whole bunch of police. So we waited and the light turns green. As soon as we pass -- get underneath the light, past the light, cars, police jump in

front of me. So I pull over, and about the same time all of that happened, I heard Juice -- I seen Juice and I heard Juice raise up, and he was like, 'Here, take this.'

Q. "What do you mean, raise up?"

A. "As if he were getting something like this, you know. And then that's when he said, 'Here, take this.'"

Q. "And who did he say that to?"

A. "He said that to Creole. And Creole said, 'Hold on,' and Juice was like -- in like an urgency manner like, you know, 'Take this,' and Juice was like, 'All right, give it here.' And I'd say about five seconds later I heard a clunk."

Q. "Did you see anything? Did you observe anything?"

A. "Like I said, I seen Juice raise up, say, 'Here, take this.' The second time he said take it, Creole said, 'Come on.' I seen Creole make some type of gesture. I seen the movement, and then after that I heard the clunk."

...

Q. "Okay. Your testimony today is that you heard Creole and Orlando Douglas talk about passing the gun back and forth; is that correct?"

A. "Um-hum, yep."

3. The aforesaid testimony of SENNECCA McELWEE, as he then and there well knew and believed, was false in that he knew the passengers in the back seat of the PT Cruiser, to whom he referred as "Juice" and "Creole," did not handle the pistol at the time of the traffic stop, but, rather, had their hands in the air.

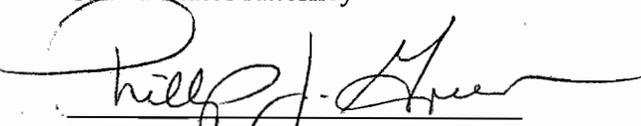
18 U.S.C. § 1623

A TRUE BILL



GRAND JURY FOREPERSON

CHARLES R. GROSS
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